S.B.CR. MISC. BAIL APPLICATION NO.5143/2007

(Saurabh vs. State of Rajasthan)

Date of Order :: October 23, 2007

HON'BLE MR. H.R.PANWAR,J.

Mr.Sandeep Mehta, for the petitioner.
Mr. Vishal Raj Meha, P.P. for the State.
Mr.Kalu Ram Bhati, for the complainant

Heard learned counsel for the petitioner and the Public Prosecutor for the State assisted by counsel for the complainant. Perused the order impugned and the police investigation diary.

It is contended by learned counsel for the petitioner that on the very day of the occurrence, the police was to file challan against the present petitioner for the offences under sections 498-A and 406 I.P.C. on the case instituted by the deceased and, therefore, the petitioner did not come to the house of the deceased and there can be no occasion to torture and harass or threat her. It is further contended by the learned counsel for the petitioner that earlier the petitioner instituted a case against the deceased for the offences under sections 417 and 495 I.P.C.

Learned Public Prosecutor appearing for the State opposes

the bail application and contends that the deceased in her life time was subjected to cruelty and harassment by the petitioner being her husband in connection with demand of dowry for which a case was instituted by the deceased for the offences under sections 498-A and 406 I.P.C. and after investigation, the police filed challan. On the day of filing challan, the petitioner at about 9.30 A.M. came to the house of the deceased and threated her to withdraw the case instituted against him. The mother of the deceased in her statement has stated that the petitioner used to threat the deceased on telephone for withdrawal of the case instituted against him.

I have carefully gone through the statement of Smt. Jyoti, who alleged that there had been some telephonic conversations between deceased and the petitioner; the petitioner used to threat the deceased and soon after the threat by the petitioner, it is alleged that deceased committed suicide as she was tortured to that extent. Keeping in view the statements of the witnesses recorded by the police during the investigation and the fact that the matter is at the investigation stage, in my view, it is not a fit case to grant bail to the petitioner.

The bail application filed by the petitioner under section 439 Cr.P.C. is, therefore, dismissed.

[H.R.PANWAR],J.

m.asif/-